

APPEAL,CLOSED,JURY,OPEN_MJ,PRISONER

Email All Attys

Email All Attys and Secondary Emails

US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:16-cv-01103-DN

Crane v. Utah Department of Corrections et al

Date Filed: 10/27/2016

Assigned to: Judge David Nuffer

Date Terminated: 02/04/2020

Case in other court: 3rd District, Salt Lake County, 160906144

Jury Demand: Both

Cause: 42:1983 Prisoner Civil Rights

Nature of Suit: 555 Prison Petitions
(Prison Condition)

Jurisdiction: Federal Question

Plaintiff

Janet Crane

represented by **Emily A. Swenson**

*as Administrator of the Estate of
Brock Tucker*

EMILY A SWENSON PC
2661 WASHINGTON BLVD STE 103
OGDEN, UT 84401
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Randall W Richards

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Janet M. Conway

CANNON LAW GROUP
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SALT LAKE CITY, UT 84102
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TERMINATED: 12/18/2017
ATTORNEY TO BE NOTICED

Ross C. Anderson

LAW OFFICES OF ROCKY ANDERSON
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TERMINATED: 04/27/2017
ATTORNEY TO BE NOTICED

V.

Defendant

Utah Department of Corrections

represented by **Heather J. Chesnut**
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TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson
UTAH ATTORNEY GENERAL'S OFFICE
ASSISTANT ATTORNEY GENERAL
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TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Scott D. Cheney
UTAH ATTORNEY GENERAL'S OFFICE
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SALT LAKE CITY, UT 84114-0857
(801)366-0353
Email: scheney@agutah.gov
ATTORNEY TO BE NOTICED

Defendant

represented by

Alfred Bigelow
*Warden of the Central Utah
Correctional Facility*

Heather J. Chesnut
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle J. Kaiser
(See above for address)
TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson
(See above for address)
TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Scott D. Cheney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Richard Garden
*Director of the Clinical Services
Bureau for the Utah Department of
Corrections*

represented by **Heather J. Chesnut**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle J. Kaiser
(See above for address)
TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson
(See above for address)
TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Scott D. Cheney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Don Taylor
*an Inmate Disciplinary Officer at the
Central Utah Correctional Facility*

represented by **Heather J. Chesnut**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle J. Kaiser
(See above for address)
TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson

(See above for address)
TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Scott D. Cheney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

FNU Cox
*a Correctional Officer at Central
Utah Correctional Facility*

represented by **Heather J. Chesnut**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle J. Kaiser
(See above for address)
TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson
(See above for address)
TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Scott D. Cheney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Brent Platt
*the Director of Utah's Division of
Child and Family Services*

represented by **Heather J. Chesnut**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle J. Kaiser
(See above for address)
TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson
(See above for address)
TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Scott D. Cheney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John DeWitt
the Director of Juvenile Justice

represented by **Kyle J. Kaiser**
(See above for address)

Services
TERMINATED: 02/10/2017

TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson
(See above for address)
TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Scott D. Cheney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Futures Through Choices
a Private Corporation
TERMINATED: 09/28/2017

represented by **Phillip S. Ferguson**
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LEAD ATTORNEY
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Universal Health Services
a Private For-Profit Corporation

Defendant

Jeremy Cottle
the CEO and Managing Director of
Provo Canyon School
TERMINATED: 09/28/2017

represented by **Shelley M. Doi-Taketa**
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TERMINATED: 06/11/2019

ATTORNEY TO BE NOTICED

Defendant

Susan Burke

represented by **Heather J. Chesnut**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle J. Kaiser
(See above for address)
TERMINATED: 08/12/2019
ATTORNEY TO BE NOTICED

Meb W. Anderson
(See above for address)
TERMINATED: 06/11/2019
ATTORNEY TO BE NOTICED

Movant

Brent Newton

TERMINATED: 09/28/2017

represented by **Brent M. Johnson**
ADMINISTRATIVE OFFICE OF THE
COURTS
PO BOX 140241
SALT LAKE CITY, UT 84114-0241
(801)578-3800
Email: brentj@email.utcourts.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Kristin Fadel

TERMINATED: 09/28/2017

represented by **Brent M. Johnson**
(See above for address)
ATTORNEY TO BE NOTICED

Movant

David Johnson

TERMINATED: 09/28/2017

represented by **Brent M. Johnson**
(See above for address)
ATTORNEY TO BE NOTICED

Movant

Steven Miller

TERMINATED: 09/28/2017

represented by **Brent M. Johnson**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Notice Party

Prisoner Litigation Unit

represented by **Prisoner Litigation Unit**
US District Court, District of Utah

Email: utdecf_prisonerlitigationunit@utd.uscourts.gov
 PRO SE

Date Filed	#	Page	Docket Text
10/27/2016	<u>1</u>		<p>Case has been indexed and assigned to Magistrate Judge Dustin B. Pead. Defendants Alfred Bigelow, FNU Cox, John DeWitt, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections is directed to E-File the <u>Notice of Removal and cover sheet</u> (found under Complaints and Other Initiating Documents) and pay the filing fee of \$ 400.00 by the end of the business day.</p> <p>NOTE: The court will not have jurisdiction until the opening document is electronically filed and the filing fee paid in the CM/ECF system. (mms) (Entered: 10/27/2016)</p>
10/27/2016	<u>2</u>		<p>NOTICE OF REMOVAL from 3rd District Court Salt Lake County, case number 160906144, (Filing fee \$ 400, receipt number 1088-2625312) filed by Alfred Bigelow, John DeWitt, Utah Department of Corrections, FNU Cox, Richard Garden, Brent Platt, Don Taylor. (Attachments: # <u>1</u> Exhibit A – Complaint, # <u>2</u> Exhibit B – COS, # <u>3</u> Civil Cover Sheet Civil Cover Sheet) Assigned to Magistrate Judge Dustin B. Pead (Anderson, Meb) (Entered: 10/27/2016)</p>
10/28/2016	<u>3</u>		<p>NOTICE OF ADR, e-mailed or mailed to Defendants Alfred Bigelow, FNU Cox, John DeWitt, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections, Plaintiff Janet Crane. (mms) (Entered: 10/28/2016)</p>
12/01/2016	<u>4</u>		<p>NOTICE of Appearance by Phillip S. Ferguson on behalf of Futures Through Choices (Ferguson, Phillip) (Entered: 12/01/2016)</p>
12/01/2016	<u>5</u>		<p>NOTICE of Appearance by Sarah E. Spencer on behalf of Futures Through Choices (Spencer, Sarah) (Entered: 12/01/2016)</p>
12/01/2016	<u>6</u>		<p>Stipulated MOTION for Extension of Time to File Answer filed by Defendant Futures Through Choices. (Attachments: # <u>1</u> Exhibit Summons)(Ferguson, Phillip) (Entered: 12/01/2016)</p>
12/01/2016	<u>7</u>		<p>ORDER granting <u>6</u> Stipulated Motion for Extension of Time to respond to complaint. Defendant Futures Through choices, Inc., shall respond to plaintiff's complaint on or before December 11, 2016. Answer deadline updated for Futures Through Choices answer due 12/11/2016. Signed by Magistrate Judge Dustin B. Pead on 12/01/2016. (kpf) (Entered: 12/01/2016)</p>
12/07/2016	<u>8</u>		<p>WAIVER OF SERVICE Returned Executed filed by Alfred Bigelow as to Alfred Bigelow Waiver sent on 10/11/2016, answer due 12/12/2016. (Anderson, Meb) (Entered: 12/07/2016)</p>
12/07/2016	<u>9</u>		<p>WAIVER OF SERVICE Returned Executed filed by FNU Cox as to FNU Cox Waiver sent on 10/11/2016, answer due 12/12/2016. (Anderson, Meb) (Entered: 12/07/2016)</p>
12/07/2016	<u>10</u>		<p>WAIVER OF SERVICE Returned Executed filed by John DeWitt as to John DeWitt Waiver sent on 10/11/2016, answer due 12/12/2016. (Anderson, Meb) (Entered: 12/07/2016)</p>

12/07/2016	<u>11</u>	WAIVER OF SERVICE Returned Executed filed by Utah Department of Corrections as to Utah Department of Corrections Waiver sent on 10/11/2016, answer due 12/12/2016. (Anderson, Meb) (Entered: 12/07/2016)
12/07/2016	<u>12</u>	WAIVER OF SERVICE Returned Executed filed by Richard Garden as to Richard Garden Waiver sent on 10/11/2016, answer due 12/12/2016. (Anderson, Meb) (Entered: 12/07/2016)
12/07/2016	<u>13</u>	WAIVER OF SERVICE Returned Executed filed by Brent Platt as to Brent Platt Waiver sent on 10/11/2016, answer due 12/12/2016. (Anderson, Meb) (Entered: 12/07/2016)
12/07/2016	<u>14</u>	WAIVER OF SERVICE Returned Executed filed by Don Taylor as to Don Taylor Waiver sent on 10/11/2016, answer due 12/12/2016. (Anderson, Meb) (Entered: 12/07/2016)
12/12/2016	<u>15</u>	MOTION for Extension of Time to File Answer filed by Defendants Alfred Bigelow, FNU Cox, John DeWitt, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Meb) (Entered: 12/12/2016)
12/12/2016	<u>16</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendant Futures Through Choices. (Spencer, Sarah) (Entered: 12/12/2016)
12/13/2016	<u>17</u>	ORDER granting <u>15</u> Motion for Extension of Time to Answer re <u>2</u> Notice of Removal,. Answer deadline updated for Alfred Bigelow answer due 12/27/2016; FNU Cox answer due 12/27/2016; John DeWitt answer due 12/27/2016; Richard Garden answer due 12/27/2016; Brent Platt answer due 12/27/2016; Don Taylor answer due 12/27/2016; Utah Department of Corrections answer due 12/27/2016. Signed by Magistrate Judge Dustin B. Pead on 12/13/2016. (las) (Entered: 12/13/2016)
12/13/2016	<u>18</u>	NOTICE of Appearance by Shelley M. Doi-Taketa on behalf of Jeremy Cottle (Doi-Taketa, Shelley) (Entered: 12/13/2016)
12/13/2016	<u>19</u>	NOTICE of Appearance by Tawni J. Anderson on behalf of Jeremy Cottle (Anderson, Tawni) (Entered: 12/13/2016)
12/22/2016	<u>20</u>	Stipulated MOTION for Extension of Time to File Answer and Memorandum in Support or <i>Otherwise Respond to Plaintiffs' Complaint</i> filed by Defendants Alfred Bigelow, FNU Cox, John DeWitt, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Meb) (Entered: 12/22/2016)
12/27/2016	<u>21</u>	ORDER granting <u>20</u> Motion for Extension of Time to Answer re <u>2</u> Notice of Removal. Answer deadline updated for Alfred Bigelow answer due 1/10/2017; FNU Cox answer due 1/10/2017; John DeWitt answer due 1/10/2017; Richard Garden answer due 1/10/2017; Brent Platt answer due 1/10/2017; Don Taylor answer due 1/10/2017; Utah Department of Corrections answer due 1/10/2017. Signed by Magistrate Judge Dustin B. Pead on 12/23/2016. (jds) (Entered: 12/27/2016)
12/28/2016	<u>22</u>	Stipulated MOTION for Extension of Time Responsive Pleading and Memorandum in Support filed by Defendant Jeremy Cottle. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Tawni) Modified on 1/3/2017 by changing

		Motion type to Motion for extension for time to file answer(las). (Entered: 12/28/2016)
01/03/2017	<u>23</u>	REPORT OF ATTORNEY PLANNING MEETING. (Anderson, Ross) (Entered: 01/03/2017)
01/03/2017	<u>24</u>	ORDER granting <u>22</u> Motion for Extension of Time to Answer re <u>2</u> Notice of Removal,. Answer deadline updated for Jeremy Cottle answer due 1/10/2017. Signed by Magistrate Judge Dustin B. Pead on 1/1/2017. (las) (Entered: 01/03/2017)
01/09/2017	<u>25</u>	SCHEDULING ORDER: Amended Pleadings due by 5/15/2017. Joinder of Parties due by 5/15/2017. Discovery due by 3/1/2018. Motions due by 5/1/2018. Status Conference set for 5/8/2018 at 02:00 PM in Rm 7.100 before Magistrate Judge Dustin B. Pead. Signed by Magistrate Judge Evelyn J. Furse on 1/9/2017. (las) (Entered: 01/09/2017)
01/10/2017	<u>26</u>	Defendant's MOTION to Dismiss and Memorandum in Support , MOTION for Summary Judgment and Memorandum in Support filed by Defendant Jeremy Cottle. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Jeremy Cottle, # <u>2</u> Exhibit 2 – JCAHO accreditation, # <u>3</u> Exhibit 3 – Intermediate Secure Care license)(Anderson, Tawni) (Entered: 01/10/2017)
01/10/2017	<u>27</u>	MOTION for Extension of Time to File Answer re <u>2</u> Notice of Removal, and Memorandum in Support filed by Defendants Alfred Bigelow, FNU Cox, John DeWitt, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Meb) (Entered: 01/10/2017)
01/10/2017	<u>28</u>	Plaintiff's MEMORANDUM in Opposition re <u>16</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Plaintiff Janet Crane. (Anderson, Ross) (Entered: 01/10/2017)
01/11/2017	<u>29</u>	ORDER granting <u>27</u> Motion for Extension of Time to Answer re <u>2</u> Notice of Removal,. Answer deadline updated for Alfred Bigelow answer due 1/18/2017; FNU Cox answer due 1/18/2017; John DeWitt answer due 1/18/2017; Richard Garden answer due 1/18/2017; Brent Platt answer due 1/18/2017; Don Taylor answer due 1/18/2017; Utah Department of Corrections answer due 1/18/2017. Signed by Magistrate Judge Dustin B. Pead on 1/11/2017. (las) (Entered: 01/11/2017)
01/19/2017	30	DOCKET TEXT ORDER FOR REASSIGNMENT. In light of the pending motions to dismiss <u>16</u> <u>26</u> along with the current status of the case which prevents the completion of consent to jurisdiction of a Magistrate Judge by all parties, the court hereby ORDERS that this case be randomly reassigned to the District Court. Signed by Magistrate Judge Dustin B. Pead on 1/19/2017. (amn) (Entered: 01/19/2017)
01/20/2017	31	After review of the case, case reassigned to District Judge per 30 Docket Text Order. Case randomly assigned to Judge David Nuffer. Magistrate Judge Dustin B. Pead no longer assigned to the case. (las) (Entered: 01/20/2017)
01/20/2017	<u>32</u>	ANSWER to Complaint with Jury Demand filed by John DeWitt, Brent Platt.(Anderson, Meb) (Entered: 01/20/2017)
01/20/2017	<u>33</u>	

		ANSWER to Complaint with Jury Demand filed by Alfred Bigelow, FNU Cox, Richard Garden, Don Taylor, Utah Department of Corrections.(Anderson, Meb) (Entered: 01/20/2017)
01/20/2017	<u>34</u>	MOTION for Protective Order and Memorandum in Support filed by Defendants Alfred Bigelow, FNU Cox, John DeWitt, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Meb) (Entered: 01/20/2017)
01/24/2017	<u>35</u>	REPLY to Response to Motion re <u>16</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendant Futures Through Choices. (Spencer, Sarah) (Entered: 01/24/2017)
01/27/2017	<u>36</u>	REQUEST to Submit for Decision re <u>16</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendant Futures Through Choices. (Spencer, Sarah) (Entered: 01/27/2017)
01/30/2017	<u>37</u>	Stipulated MOTION for Extension of Time to File Response/Reply <i>Plaintiff's Memorandum in Opposition to Jeremy Cottle's Motion to Dismiss</i> filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Stipulated Motion for Extension of Time to File Plaintiff's Memorandum in Opposition to Jeremy Cottle's Motion to Dismiss)(Anderson, Ross) (Entered: 01/30/2017)
01/31/2017	<u>38</u>	CLERKS ORDER of Granting Motion re <u>37</u> Stipulated MOTION for Extension of Time to File Response/Reply <i>Plaintiff's Memorandum in Opposition to Jeremy Cottle's Motion to Dismiss</i> signed by Anne W. Morgan (kpf) (Entered: 01/31/2017)
02/10/2017	<u>39</u>	AMENDED COMPLAINT against All Defendants with Jury Demand. <i>New Defendants: Susan Burke.</i> Removed Defendants: John DeWitt. filed by Janet Crane. (Anderson, Ross) (Entered: 02/10/2017)
02/17/2017	<u>40</u>	First MOTION to Quash Subpoenas and Memorandum in Support filed by Movants Kristin Fadel, David Johnson, Steven Miller, Brent Newton. (Attachments: # <u>1</u> Exhibit Subpoena, # <u>2</u> Exhibit Correspondence, # <u>3</u> Exhibit Utah Code Section 78A-6-902, # <u>4</u> Exhibit Ethics Advisory Opinion No. 95-08) Attorney Brent M. Johnson added to party Kristin Fadel(pty:mov), Attorney Brent M. Johnson added to party David Johnson(pty:mov), Attorney Brent M. Johnson added to party Steven Miller(pty:mov), Attorney Brent M. Johnson added to party Brent Newton(pty:mov)(Johnson, Brent) (Entered: 02/17/2017)
02/17/2017	<u>41</u>	NOTICE of Pendency of Motion to Dismiss by Futures Through Choices re <u>16</u> MOTION to Dismiss for Failure to State a Claim (Spencer, Sarah) (Entered: 02/17/2017)
02/28/2017	<u>42</u>	Plaintiff's MEMORANDUM in Opposition re <u>26</u> Defendant's MOTION to Dismiss MOTION for Summary Judgment filed by Plaintiff Janet Crane. (Anderson, Ross) (Entered: 02/28/2017)
03/02/2017	<u>43</u>	ORDER granting <u>34</u> Motion for Protective Order. Signed by Judge David Nuffer on 03/02/2017. (kpf) (Entered: 03/02/2017)
03/02/2017	44	CLERK'S NOTICE OF ERRORS re <u>36</u> Request to Submit for Decision, <u>37</u> MOTION, <u>39</u> Amended Complaint, <u>41</u> Notice (Other), <u>42</u> Memorandum in

		Opposition to Motion. Description of errors: documents have wrong judge information/initials in the captions. Filers are reminded to keep track of any/all judge reassessments and ensure that all case information on documents matches that appearing at the top of each CM/ECF screen before submitting same. (alt) (Entered: 03/02/2017)
03/02/2017	<u>45</u>	NOTICE OF ERROR re <u>39</u> Amended Complaint. The amended complaint was filed incorrectly as against "All Defendants". Document should not have been filed against dft John DeWitt. Filers are reminded to select individual parties from the drop down "Select a Party" lists and not use the "Select a Group" choices unless the case involves a very large number of parties and all are represented by the same counsel. (alt) (Entered: 03/02/2017)
03/03/2017	<u>46</u>	RESPONSE to Motion re <u>40</u> First MOTION to Quash Subpoenas and Memorandum in Support filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Exhibit Declaration of Ross C. Anderson and Supporting Exhibits)(Anderson, Ross) (Entered: 03/03/2017)
03/09/2017	<u>47</u>	MOTION for Extension of Time to File Response/Reply as to <u>42</u> Memorandum in Opposition to Motion, <u>26</u> Defendant's MOTION to Dismiss MOTION for Summary Judgment and Memorandum in Support filed by Defendant Jeremy Cottle. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Tawni) (Entered: 03/09/2017)
03/14/2017	<u>48</u>	REPLY to Response to Motion re <u>40</u> First MOTION to Quash Subpoenas and Memorandum in Support filed by Movants Kristin Fadel, David Johnson, Steven Miller, Brent Newton. (Johnson, Brent) (Entered: 03/14/2017)
03/14/2017	<u>49</u>	ORDER granting <u>47</u> Motion for Extension of Time to File Response/Reply re <u>47</u> MOTION for Extension of Time to File Response/Reply as to <u>42</u> Memorandum in Opposition to Motion, <u>26</u> Defendant's MOTION to Dismiss MOTION for Summary Judgment and Memorandum in Support Replies due by 3/24/2017. Signed by Judge David Nuffer on 3/14/2017. (kpf) (Entered: 03/14/2017)
03/21/2017	<u>50</u>	REQUEST to Submit for Decision re <u>46</u> Response to Motion, <u>48</u> Reply Memorandum/Reply to Response to Motion, <u>40</u> First MOTION to Quash Subpoenas and Memorandum in Support filed by Movants Kristin Fadel, David Johnson, Steven Miller, Brent Newton. (Johnson, Brent) (Entered: 03/21/2017)
03/24/2017	<u>51</u>	REPLY to Response to Motion re <u>26</u> Defendant's MOTION to Dismiss MOTION for Summary Judgment filed by Defendant Jeremy Cottle. (Anderson, Tawni) (Entered: 03/24/2017)
03/24/2017	<u>52</u>	REQUEST to Submit for Decision re <u>51</u> Reply Memorandum/Reply to Response to Motion, <u>42</u> Memorandum in Opposition to Motion, <u>26</u> Defendant's MOTION to Dismiss MOTION for Summary Judgment filed by Defendant Jeremy Cottle. (Anderson, Tawni) (Entered: 03/24/2017)
03/27/2017	<u>53</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Janet M. Conway filed by Ross C. Anderson and Janet M. Conway on behalf of Janet Crane (Anderson, Ross) (Entered: 03/27/2017)
03/28/2017	<u>54</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Janet Crane re <u>42</u> Memorandum in Opposition to Motion to Dismiss and Motion for Summary

		<i>Judgment</i> (Anderson, Ross) (Entered: 03/28/2017)
04/27/2017	<u>55</u>	SUBSTITUTION OF COUNSEL Emily A. Swenson replacing Ross C. Anderson as counsel on behalf of Janet Crane. (Swenson, Emily) (Entered: 04/27/2017)
04/27/2017	<u>56</u>	First MOTION to Amend/Correct <u>25</u> Scheduling Order, and Memorandum in Support filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Text of Proposed Order)(Swenson, Emily) (Entered: 04/27/2017)
05/23/2017	<u>57</u>	ORDER granting <u>56</u> Motion to Amend Scheduling Order: Amended Pleadings due by Plaintiff 8/1/2017, Defendant 8/15/2017. Joinder of Parties due by Plaintiff 8/1/2017, Defendant 8/15/2017. Discovery due by 6/1/2018. Motions due by 8/1/2018. Final Pretrial Conference set for 12/17/2018 at 02:30 PM in Rm 3.100 before Judge David Nuffer. 10 Day Jury Trial set for 1/7/2019 at 08:00 AM in Rm 3.100 before Judge David Nuffer. Signed by Magistrate Judge Evelyn J. Furse on 5/23/2017. (jds) (Entered: 05/23/2017)
09/28/2017	<u>58</u>	MEMORANDUM DECISION AND ORDER granting <u>16</u> Motion to Dismiss for Failure to State a Claim; granting <u>26</u> Motion to Dismiss; denying <u>40</u> Motion to Quash; claims against defendants Jeremy Cottle and Futures Through Choices are dismissed. Signed by Judge David Nuffer on 9/28/17 (alt) (Entered: 09/28/2017)
09/29/2017	59	DOCKET TEXT ORDER CORRECTING <u>58</u> Memorandum Decision and Order Dismissing FTC and Cottle. The last paragraph of the order regarding the motion by Brocks former attorneys to quash Plaintiffs subpoenas for their records regarding Brock Turner (Docket Entry # 40) is STRICKEN from the order. The clerk shall modify the docket to reflect that this order is yet to be decided. Signed by Judge David Nuffer on September 29, 2017. No attached document (DN) (Entered: 09/29/2017)
01/30/2018	<u>60</u>	Stipulated MOTION to Amend/Correct <i>Scheduling Order</i> filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Exhibit Proposed Second Amended Scheduling Order)(Swenson, Emily) (Entered: 01/30/2018)
02/09/2018	61	DOCKET TEXT ORDER denying <u>60</u> Motion to Amend/Correct without prejudice for failure to state a good cause. Signed by Magistrate Judge Evelyn J. Furse on 2/9/2018. No attached document. (jds) (Entered: 02/09/2018)
03/02/2018	<u>62</u>	Second MOTION for Scheduling Order and Memorandum in Support <i>Stipulated</i> filed by Defendants Alfred Bigelow, FNU Cox, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Meb) (Entered: 03/02/2018)
03/16/2018	<u>63</u>	ORDER granting <u>62</u> Motion for Amended Scheduling Order. Expert Discovery due by 12/3/2018. Motions due by 2/1/2019. Final Pretrial Conference set for 6/24/2019 at 02:30 PM in Rm 3.100 before Judge David Nuffer. 10-Day Jury Trial set for 7/8/2019 at 08:00 AM in Rm 3.100 before Judge David Nuffer. Signed by Magistrate Judge Evelyn J. Furse on 3/13/18 (alt) (Entered: 03/16/2018)
04/10/2018	<u>64</u>	CERTIFICATE OF SERVICE by Janet Crane <i>First Set of Interrogatories to UDC</i> (Swenson, Emily) (Entered: 04/10/2018)

04/10/2018	<u>65</u>	CERTIFICATE OF SERVICE by Janet Crane <i>First Set of Interrogatories to Bigelow</i> (Swenson, Emily) (Entered: 04/10/2018)
04/10/2018	<u>66</u>	CERTIFICATE OF SERVICE by Janet Crane <i>First Set of Interrogatories to Garden</i> (Swenson, Emily) (Entered: 04/10/2018)
07/05/2018	<u>67</u>	NOTICE of Appearance by Randall W Richards on behalf of Janet Crane (Richards, Randall) (Entered: 07/05/2018)
07/31/2018	<u>68</u>	Third MOTION for Scheduling Order filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Proposed Third Scheduling Order)(Swenson, Emily) (Entered: 07/31/2018)
08/03/2018	<u>69</u>	ORDER granting <u>68</u> Motion for Third Amended Scheduling Order. Expert Discovery due by 6/3/2019. Motions due by 8/1/2019. Final Pretrial Conference set for 2/10/2020 at 02:30 PM in Rm 7.300 before Judge David Nuffer. 10-Day Jury Trial set for 2/24/2020 at 08:00 AM in Rm 7.300 before Judge David Nuffer. Signed by Judge David Nuffer on 8/2/18 (alt) (Entered: 08/03/2018)
10/05/2018	<u>70</u>	MOTION for Amended Scheduling Order filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Text of Proposed Order Proposed 4th Amended Scheduling Order)(Swenson, Emily) (Entered: 10/05/2018)
10/05/2018	<u>71</u>	CERTIFICATE OF SERVICE by Janet Crane <i>Plaintiff's 2nd Set of Requests to UDOC</i> (Swenson, Emily) (Entered: 10/05/2018)
10/25/2018	<u>72</u>	NOTICE OF HEARING ON MOTION re: <u>70</u> MOTION for Amended Scheduling Order : Motion Hearing set for Monday, 11/5/2018 at 11:00 AM in Rm 7.300 before Judge David Nuffer. (asb) (Entered: 10/25/2018)
11/04/2018	<u>73</u>	MOTION for Judgment on the Pleadings and Memorandum in Support filed by Defendants Alfred Bigelow, Susan Burke, FNU Cox, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. Attorney Meb W. Anderson added to party Susan Burke(pty:dft)(Anderson, Meb) (Entered: 11/04/2018)
11/05/2018	<u>74</u>	Minute Order. Proceedings held before Judge David Nuffer: Counsel present for parties. Court reviewed the history of scheduling in the case. Discussion heard on the delays in the case. Court granted the motion to amend the scheduling order. Court will issue the amended scheduling order. Court set the briefing schedule on the defendants motion for judgment on the pleadings: Response 12/17/2018; Reply due 1/7/2019. Plaintiffs counsel to file a joint case status report on 12/17/2018. Court adjourned. granting <u>70</u> Motion for Amended Scheduling Order ; taking under advisement <u>73</u> Motion for Judgment on the Pleadings ; Motion Hearing held on 11/5/2018 re <u>70</u> MOTION for Amended Scheduling Order filed by Janet Crane, <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support filed by Susan Burke, FNU Cox, Don Taylor, Brent Platt, Utah Department of Corrections, Alfred Bigelow, Richard Garden ; Set Deadlines/Hearing as to <u>70</u> MOTION for Amended Scheduling Order , <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support :(Responses due by 12/17/2018, Replies due by 1/7/2019.). Written Order to follow oral order: Yes. Attorney for Plaintiff: Randall Richards, Emily Swensen, Attorney for Defendant Meb Anderson. Court Reporter: Becky Janke.(Time Start: 11:01, Time End: 11:34, Room 7.300.) (asb) (Entered: 11/05/2018)

12/17/2018	<u>75</u>	MOTION for Extension of Time to File Response/Reply as to <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support and Memorandum in Support filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Text of Proposed Order)(Swenson, Emily) (Entered: 12/17/2018)
12/17/2018	<u>76</u>	STATUS REPORT – <i>Joint Case Status Report</i> by Janet Crane. (Swenson, Emily) (Entered: 12/17/2018)
12/18/2018	<u>77</u>	ORDER granting <u>75</u> Motion for Extension of Time to File Response/Reply re <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support Responses due by 12/24/2018 Signed by Judge David Nuffer on 12/17/2018. (kpf) (Entered: 12/18/2018)
12/24/2018	<u>78</u>	MEMORANDUM in Opposition re <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support filed by Plaintiff Janet Crane. (Swenson, Emily) (Entered: 12/24/2018)
12/24/2018	<u>79</u>	CERTIFICATE OF SERVICE by Janet Crane <i>Memo in Opposition</i> (Swenson, Emily) (Entered: 12/24/2018)
12/26/2018	<u>80</u>	Quarterly MEMORANDUM in Opposition re <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support filed by Plaintiff Janet Crane. (Swenson, Emily) (Entered: 12/26/2018)
01/04/2019	<u>81</u>	Stipulated MOTION for Extension of Time to File Response/Reply as to <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support and Memorandum in Support filed by Defendants Alfred Bigelow, Susan Burke, FNU Cox, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Meb) (Entered: 01/04/2019)
01/11/2019	<u>82</u>	ORDER granting <u>81</u> Motion for Extension of Time to File Response/Reply re <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support Replies due by 1/11/2019. Signed by Judge David Nuffer on 1/11/2019. (kpf) (Entered: 01/11/2019)
01/11/2019	<u>83</u>	REPLY to Response to Motion re <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support filed by Defendants Alfred Bigelow, Susan Burke, FNU Cox, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Anderson, Meb) (Entered: 01/11/2019)
01/11/2019	<u>84</u>	REQUEST to Submit for Decision re <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support filed by Defendants Alfred Bigelow, Susan Burke, FNU Cox, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Anderson, Meb) (Entered: 01/11/2019)
01/18/2019	<u>85</u>	REQUEST for Oral Argument re <u>73</u> MOTION for Judgment on the Pleadings and Memorandum in Support filed by Plaintiff Janet Crane. (Swenson, Emily) (Entered: 01/18/2019)
03/12/2019	<u>86</u>	Stipulated MOTION to Stay and Memorandum in Support <i>re Pretrial Dates</i> filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Stip Motion)(Swenson, Emily) Modified on 3/13/2019: corrected motion relief and entry text (alt) (Entered: 03/12/2019)
03/13/2019		

		Modification of Docket re <u>86</u> Stipulated MOTION for Scheduling Order. Error: Filer selected the wrong motion relief, "Scheduling Order" and incorrectly added text as to the actual relief sought. Correction: Motion relief will be corrected to "Stay". (alt) (Entered: 03/13/2019)
03/13/2019	<u>87</u>	ORDER granting <u>86</u> Motion to Stay existing pre-trial dates pending review of <u>73</u> MOTION for Judgment on the Pleadings and related documents. Signed by Judge David Nuffer on 3/12/19 (alt) (Entered: 03/13/2019)
06/11/2019	<u>88</u>	SUBSTITUTION OF COUNSEL Kyle J. Kaiser replacing Meb W. Anderson and Tawni J. Anderson as counsel on behalf of Alfred Bigelow, Susan Burke, FNU Cox, John DeWitt, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Kaiser, Kyle) (Entered: 06/11/2019)
08/12/2019	<u>89</u>	SUBSTITUTION OF COUNSEL Heather J. Chesnut replacing Kyle J. Kaiser as counsel on behalf of Alfred Bigelow, Susan Burke, FNU Cox, Richard Garden, Brent Platt, Don Taylor, Utah Department of Corrections. (Chesnut, Heather) (Entered: 08/12/2019)
12/04/2019	90	NOTICE VACATING FINAL PRETRIAL CONFERENCE previously set for <u>2/10/2020</u> at <u>2:30 p.m.</u> and 10–DAY JURY TRIAL previously set to begin <u>2/24/2020</u> at <u>8:00 a.m.</u> HEARING set for before Judge David Nuffer. See Order <u>87</u> staying all deadlines until ruling on the dispositive motions. (asb) (Entered: 12/04/2019)
02/04/2020	<u>91</u>	MEMORANDUM DECISION & ORDER GRANTING MOTION FOR JUDGMENT ON PLEADINGS: granting <u>73</u> Motion for Judgment on the Pleadings. All Defendants and claims having now been dismissed, this action is CLOSED . Signed by Judge David Nuffer on 02/04/2020. (kpf) (Entered: 02/04/2020)
02/04/2020	<u>92</u>	JUDGMENT: It is ordered and adjudged that Plaintiffs action is dismissed with prejudice, Defendants' Motion to Dismiss on Pleadings having been granted. The Clerk of Court is directed to CLOSE this action. Signed by Judge David Nuffer on 02/04/2020. (kpf) (Entered: 02/04/2020)
02/13/2020	<u>93</u>	MOTION to Withdraw as Counsel and Memorandum in Support filed by Plaintiff Janet Crane. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Swenson, Emily) (Entered: 02/13/2020)
03/04/2020	<u>94</u>	NOTICE OF APPEAL as to <u>92</u> Judgment, filed by Janet Crane. Appeals to the USCA for the 10th Circuit. Filing fee \$ 505, receipt number AUTDC-3513016. (Richards, Randall) (Entered: 03/04/2020)

**RANDALL W RICHARDS #4503 of
RICHARDS & BROWN PC**

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JANET CRANE,)	2:16-CV 01103-DN
Plaintiff,)	Notice of Appeal
vs.)	
UTAH DEPARTMENT OF)		
CORRECTIONS,)	
Defendant.)	

Notice is hereby given that Janet Crane, Plaintiff in the above entitled case hereby appeals to the United States Court of Appeals for the Tenth Circuit from the final judgment entered on the 4th day of February, 2020.

DATED this __4__ day of March 2020.

/s/: Randall W. Richards
RANDALL W RICHARDS
Affiant/Plaintiff

Subscribed and sworn before me this __4__ day of March 2020.

/s/Kari Lynn Kulak _____
Notary Commission #694072
Exp: 03/29/2021
State of Utah

CERTIFICATE OF MAILING

I hereby certify that I Court electronic filing served a true and correct copy of the foregoing Notice of Appeal:

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DATED this 4th day of March 2020

/s/:Kari L. Kulak
Kari Kulak
Paralegal

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JANET CRANE, as Administrator of Brock
Tucker's Estate,

Plaintiff,

v.

UTAH DEP'T OF CORR. et al.,

Defendants.

JUDGMENT IN A CIVIL CASE

Case No. 2:16-CV-1103-DN

District Judge David Nuffer

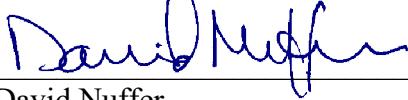
IT IS ORDERED AND ADJUDGED that Plaintiff's action is dismissed with prejudice,

Defendants' Motion to Dismiss on Pleadings having been granted.

The Clerk of Court is directed to CLOSE this action.

Dated February 4, 2020.

BY THE COURT:



David Nuffer
United States District Judge